UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/704,507	11/07/2003	Mark Dennis Norton	PUS-1216 (1578.623)	4072

44208	7590	08/09/2006		EXAMINER

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	EXAMINER
	CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/704,507	NORTON ET AL.
	Examiner	Art Unit	
	Joy K. Contee	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Vialen

et al. (Vialen), U.S. Patent No. 6,826,406.

Regarding claim 1, Vialen discloses a method of processing a message received

at a user equipment in a UMTS communications system, wherein the message includes

a Ciphering Mode Info information element and is one of a plurality of message types

comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration message,

a Radio Bearer Release message, a Transport Channel Reconfiguration message, a

Physical Channel Reconfiguration message, a Cell Update Confirm message, a URA

Update Confirm message and a UTRAN Mobility Information message, the method

comprising: determining whether a Ciphering Activation Time for DPCH information

element is present in the message when radio bearers exist using radio link control

(RLC) transparent mode (TM); and in the event that the Ciphering Activation Time for

DPCH information element is not present, returning a message indicating the absence

of the information element (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-

50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 2, Vialen discloses a method according to claim 1, wherein the

step of returning a message indicating the absence of the Ciphering Activation Time for

DPCH information element comprises returning a message including the value

INVALID_CONFIGURATION (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines

14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 3, Vialen discloses a method according to claim 1, wherein the

step of returning a message indicating the absence of the Ciphering Activation Time for

DPCH information element comprises returning a message including the value

UNSUPPORTED_CONFIGURATION (col. 5,lines 32-50 and col. 6,lines 1-10 and col.

7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 4, Vialen discloses a method of preparing a message for

transmission to a user equipment in a UMTS communications system, the message

including a Ciphering Mode Info information element, the method comprising

determining whether radio bearers exist using radio link control (RLC) transparent mode

(TM); and if they do exist, determining whether the message is one of a plurality of

message types for which a Ciphering Activation Time for DPCH information element is

to be included, the plurality of message types comprising a Radio Bearer Setup

message, a Radio Bearer Reconfiguration message, a Radio Bearer Release message,

a Transport Channel Reconfiguration message, a Physical Channel Reconfiguration

message, a Cell Update Confirm message, a URA Update Confirm message and a

UTRAN Mobility Information message; and in the event the message is one of said

plurality of message types, including the Ciphering Activation Time for DPCH

information element in the message (col. 5,lines 32-50 and col. 6,lines 1-10 and col.

7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 5, Vialen discloses a method of processing a message received

at a user equipment (UE) from a UTRAN in a UMTS communications system, wherein

the message includes a Ciphering Mode Info information element and is one of a

plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer

Reconfiguration message, a Radio Bearer Release message, a Transport Channel

Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update

Confirm message, a URA Update Confirm message and a UTRAN Mobility Information

message, the method comprising: determining whether a Ciphering Activation Time for

DPCH information element is present in the message when radio bearers exist using

radio link control (RLC) transparent mode (TM); and in the event that the information

element is not present, selecting an activation time for applying ciphering changes for

the transparent mode radio bearers (col. 5,lines 32-50 and col. 6,lines 1-10 and col.

7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 6, Vialen discloses a method according to claim 5, wherein the

step of selecting the activation time for applying ciphering changes comprises using a

message activation time received from the UTRAN (col. 5,lines 32-50 and col. 6,lines 1-

10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 7, Vialen discloses a method according to claim 6, wherein the message activation time is included in the Activation Time information element (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 8, Vialen discloses a method according to claim 7, comprising, in the absence of the Activation Time information element, using an activation time of NOW (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 9, Vialen discloses a method according to claim 5, wherein the step of selecting an activation time comprises selecting an activation time at the UE independently of the UTRAN and sending a response message including the selected activation time to the UTRAN(col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 10, Vialen discloses a method according to claim 9, comprising returning the selected activation time using the COUNT-C Activation Time information element (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 11, Vialen discloses a method according to claim 9, further comprising using the selected activation time at the UE as the time for applying ciphering changes for transparent mode radio bearers (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 12, Vialen discloses a method according to claim 11, further comprising receiving the selected activation time at the UTRAN and using the received activation time as the time for applying ciphering changes for transparent mode radio bearers (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 13, Vialen discloses a method according to claim 5, comprising selecting an activation time of NOW to immediately apply ciphering changes for transparent mode radio bearers (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 14, Vialen discloses user equipment for receiving a message in a UMTS communications system, wherein the message includes a Ciphering Mode Info information element and is one of a plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration message, a Radio Bearer Release message, a Transport Channel Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update Confirm message, a URA Update Confirm message and a UTRAN Mobility Information message, the user equipment comprising: a control module configured to determine whether a Ciphering Activation Time for DPCH information element is present in the message when radio bearers exist using radio link control (RLC) transparent mode (TM); and a transmitter for returning a message indicating the absence of the information element, in the event that the Ciphering Activation Time for DPCH information element is not present (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 15, Vialen discloses A UTRAN for transmitting a message to a

user equipment in a UMTS communications system, the message including a Ciphering

Mode Info information element, the UTRAN comprising: a control module for

determining whether radio bearers exist using radio link control (RLC) transparent mode

(TM); the control module further being configured to determine, in the event that said

radio bearers exist, whether the message is one of a plurality of message types for

which a Ciphering Activation Time for DPCH information element is to be included, the

plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer

Reconfiguration message, a Radio Bearer Release message, a Transport Channel

Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update

Confirm message, a URA Update Confirm message and a UTRAN Mobility Information

message; and the control module being configured to include the Ciphering Activation

Time for DPCH information element in the message in the event that the message is

one of said plurality of message types (col. 5,lines 32-50 and col. 6,lines 1-10 and col.

7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Regarding claim 16, Vialen discloses user equipment (UE) for receiving a

message from a UTRAN in a UMTS communications system, wherein the message

includes a Ciphering Mode Info information element and is one of a plurality of message

types comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration

message, a Radio Bearer Release message, a Transport Channel Reconfiguration

message, a Physical Channel Reconfiguration message, a Cell Update Confirm

message, a URA Update Confirm message and a UTRAN Mobility Information

message, the user equipment comprising: a control module for determining whether a

Ciphering Activation Time for DPCH information element is present in the message

when radio bearers exist using radio link control (RLC) transparent mode (TM); the

control module being configured to select an activation time for applying ciphering

changes for the transparent mode radio bearers, in the event that the information

element is not present (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50

and col. 9,line 30 to col. 10,line 34).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Kuo discloses a method for determining RLC entity re-establishment during

SRNS relocation.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joy K Contee whose telephone number is

571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30

a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JC

JOY K. CONTEE
PATENT EXAMINER